



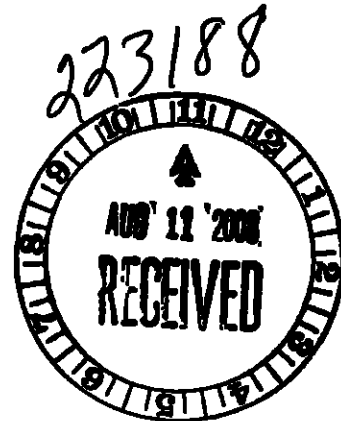
Mack H Shumate, Jr
Senior General Attorney, Law Department

August 8, 2008

VIA E-Filing

Ms. Anne K. Quinlan
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
AUG 11 2008
Part of
Public Record



RE: Proposed Abandonment of an Eastern Portion of the Bristow Subdivision from M.P. 318.36 near Hampton to the end of the Line at M.P. 294.75 at Allison, a distance of 23.61 miles in Franklin and Butler Counties, Iowa; STB Docket No. AB-33 (Sub-No. 200X)

Dear Ms. Quinlan:

Union Pacific Railroad Company ("Union Pacific") hereby acknowledges and concurs with the request from the Iowa Natural Heritage Foundation ("INHF") on behalf of Franklin County, Butler County and the Iowa Trails Council, dated August 7, 2008, for additional time in which to complete negotiations for the acquisition under the provisions 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Eastern Portion of the Bristow Subdivision from Milepost 318.36 near Hampton, Iowa to the end of the Line at Milepost 294.75 at Allison, Iowa, a distance of 23.61 miles in Franklin and Butler Counties, Iowa. An Agreement in fact has been signed by both Union Pacific and INHF. However, in that the prior Board Order only extended the negotiation period to July 31, 2008, it was agreed by both the Union Pacific and INHF that INHF should request an additional extension through August 30, 2008. Closing under the Trail Use Agreement is scheduled for August 11, 2008.

A copy of the INHF's clarification letter dated August 7, 2008 is attached hereto as Exhibit "A" and hereby made a part hereof.

Sincerely yours,

Enclosures

cc: INHF

O:\ABANDONMENTS\33-200X\STB18 doc

EXHIBIT "A"



Insurance Exchange Building
Suite 444
505 Fifth Ave
Des Moines, Iowa 50309

Phone. 515-288-1846
Fax 515-288-0137
e-mail info@inhf.org
www.inhf.org

August 7, 2008

Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D C 20423-0001

BEFORE THE SURFACE TRANSPORTATION BOARD

RE. Union Pacific Railroad Abandonment of an Eastern Portion of the Bristow Subdivision from M P 318 36 near Hampton to the end of the Line at M P 294.75 at Allison, a distance of 23 61 miles in Franklin and Butler Counties, Iowa;

STB Docket No AB-33 (Sub-no 200X)

**Motion to Extend the Time Period for Negotiation of an
Interim Trail Use/Railbanking Agreement**

On behalf of Franklin County, Butler County (public agencies) and the Iowa Trails Council, the Iowa Natural Heritage Foundation hereby moves the Surface Transportation Board (STB or Board) to extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding up and including August 30, 2008

The Iowa Natural Heritage Foundation on behalf of Butler County, Franklin County and the Iowa Trails Council has negotiated a donation/purchase agreement with the Union Pacific Railroad (UPRR) in June 2008, but the closing date is not scheduled until August 11, 2008

To successfully preserve this corridor for interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U S C 1247 (d), it is necessary for the negotiation period under the NITU to be extended 30 days up to and including August 30, 2008, which would allow for the transaction closing and filing of the deeds to occur


within this timeframe. See Policy Statement on Rails to Trails Conversions, Ex Parte No 274 (Sub. No 13b) (ICC served Feb 5, 1990) (extensions of time promote the establishment of trails and railbanking consistent with the National Trails System Act)

Since the issuance of the NITU, UPRR at all points has maintained intent to transfer the line intact for interim trail use. The railroad has not sold, or offered for sale, any parcels of land that would interfere with interim trail use and railbanking of the portion of the corridor that is covered by the NITU. The line remains intact and throughout the period, the railroad has been negotiating with INHF for the transfer or sale of the corridor intact. Accordingly, the Board retains jurisdiction to extend the NITU to continue bona fide and active negotiations for interim trail use of the line.

In similar instances, this Board has reopened proceedings to permit the issuance of orders implementing section 8(d) for rail lines. The STB's authority to extend a NITU was upheld in Birt v. STB, 90 F.3d 580 (D.C. Cir. 1996). Here the parties merely seek and extension in the period for negotiation provided in a previously issued NITU. Such an extension will promote and further the purposes of the Trails Act.

For the reasons stated the Iowa Natural Heritage Foundation requests that an extension of the NITU negotiation period be granted through **August 30, 2008**.

Respectfully Submitted,



Mark C. Ackelson, President

cc Butler County Conservation Board
Franklin County Conservation Board
Iowa Trails Council



IOWA
NATURAL HERITAGE
FOUNDATION

"for those who follow"


Insurance Exchange Bldg
Suite 444
505 Fifth Avenue
Des Moines, IA 50309-2321

Phone 515-288-1846
Fax 515-288-0137
e-mail info@inhf.org
www.inhf.org

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2008, a true and accurate copy of the foregoing motion has been served to the following party via first-class mail, postage pre-paid and VIA FAX to 312-777-2065

Mack H. Shumate, Jr
Union Pacific Railroad
101 N Wacker Dr. Rm 1920
Chicago, IL 60606-1718



Mark C Ackelson, President